

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON JULY 11, 2006

The regular meeting of the Council of the Town of Warrenton was held on July 11, 2006 in the Town Council Chambers.

Councilmembers present: George B. Fitch, Mayor, presiding, Vice Mayor David A. Norden, Councilmen Roger R. Martella, Jr., John V. Albertella, John E. Williams, Dennie M. Sutherland, Terrence L. Nyhous and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson W. Robinson, Town Attorney, and Evelyn J. Weimer, Town Recorder.

The invocation was given by Councilman John S. Lewis, Jr.

CITIZENS TIME.

There were no citizens wishing to speak.

ADOPTION OF ORGANIZATIONAL RESOLUTIONS.

Dates of meetings.

The following resolution was presented for consideration:

**RESOLUTION OF THE ORGANIZATIONAL MEETING
OF THE TOWN COUNCIL FOR THE TOWN OF WARRENTON**

WHEREAS, the Town Council for the Town of Warrenton is meeting in its organizational session and desires to adopt certain resolutions for the organization of its current term; and

WHEREAS, the Town Council for the Town of Warrenton desires to establish its meeting dates for its coming term; and

WHEREAS, the Town Council for the Town of Warrenton desires to appoint a Town Recorder and Town Attorney for its coming term; and

WHEREAS, the Town Council met at its regularly scheduled meeting on July 9, 2006, and, pursuant to the general laws of the Commonwealth, desires to adopt the following resolution.

NOW, THEREFORE BE IT RESOLVED by the Town Council for the Town of Warrenton that the members of Town Council shall meet in regular session on the second (2nd) Tuesday of each month at 7:00 p.m. at Town Hall, 18 Court Street, Warrenton, Virginia, unless otherwise provided, pursuant to Section 15.2-1416 of the Code of Virginia, 1950, as amended, to wit:

Tuesday, July 11, 2006
Tuesday, August 8, 2006
Tuesday, September 12, 2006
Tuesday, October 10, 2006
Tuesday, November 14, 2006
Tuesday, December 12, 2006
Tuesday, January 9, 2007
Tuesday, February 13, 2007
Tuesday, March 13, 2007
Tuesday, April 10, 2007
Tuesday, May 8, 2007
Tuesday, June 12, 2007

Tuesday, July 10, 2007
Tuesday, August 14, 2007
Tuesday, September 11, 2007
Tuesday, October 9, 2007
Tuesday, November 13, 2007
Tuesday, December 11, 2007
Tuesday, January 8, 2008
Tuesday, February 12, 2008
Tuesday, March 11, 2008
Tuesday, April 8, 2008
Tuesday, May 13, 2008
Tuesday, June 10, 2008

On a motion by Mr. Nyhous, seconded by Mr. Norden, the resolution was adopted on a vote of 7-0 (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis; against: none).

Election of Vice Mayor.

Mr. Nyhous nominated Mr. Norden as Vice Mayor and Mr. Sutherland seconded the nomination. The Mayor asked if there were others to be nominated and there were not. The Mayor closed nominations and called for a vote of Council. On a vote of 7-0 (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis; against: none) the motion was approved.

Committee and Commission assignments.

The Mayor noted that all had received copies of his suggestions for chairs of the committees. Mr. Norden noted that he would like to continue as a member of the Parking Committee.

The Mayor indicated that the names listed were not the names of all the members of the committees. Mr. Albertella stated for the record that in his two years he had not researched any precedent but for the first time the Mayor would be heading a committee. He questioned whether that was appropriate. Mr. McLawhon indicated that the Town Attorney, as parliamentarian, had just stepped away from the Council desk but would return. Mr. Albertella indicated he did not raise it as a legal question but a policy question of whether the Council is comfortable with the fact that there was a crossover between the legislative and executive branches. Mr. Lewis did not feel that the Mayor was in a different branch and he was a member of Council with the only difference being that he is head of the ceremonial endeavors and has no vote except in the event of a tie.

Mr. McLawhon indicated that in jurisdictions throughout Virginia the Mayor is a member of the governing body. The Mayor noted that he had asked numerous Councilmembers if they would like to chair the Finance Committee and all declined so he decided to make it a “committee of the whole” and preside over it himself.

Following the discussion, the following committees and members were established:

Committee Assignments

<u>Finance Committee</u> George Fitch, Mayor, Chairman John V. Albertella John S. Lewis, Jr. Roger R. Martella, Jr. Terry L. Nyhous David A. Norden Dennie M. Sutherland John E. Williams	<u>Parking Committee</u> Roger R. Martella, Jr., Chairman John S. Lewis, Jr. David A. Norden John V. Albertella
<u>Utilities Committee</u> Terry L. Nyhous, Chairman John V. Albertella David A. Norden	<u>Town Transportation Safety</u> Terry L. Nyhous, Chairman John V. Albertella Roger R. Martella, Jr. David A. Norden Dennie M. Sutherland
<u>Public Safety</u> John S. Lewis, Jr., Chairman Samuel B. Tarr	<u>EDAC</u> John E. Williams
<u>Public Works Committee</u> John S. Lewis, Jr, Chairman. John A. Albertella	<u>Planning Commission (ex-officio)</u> Dennie M. Sutherland <u>Architectural Review Board (ex-officio)</u> Roger R. Martella, Jr.
<u>Liaison Committee</u> John E. Williams David A. Norden Roger R. Martella, Jr., alternate	<u>Recreation Committee</u> Dennie M. Sutherland, Chairman Samuel B. Tarr (citizen representative at-large) Frank S. Foley (citizen representative at-large) John V. Albertella
<u>PD 9 Representative</u> John V. Albertella	

The Manager reiterated so that there would be no confusion that the Council had two ex-officio members. Planning Commission was a voting member and the A.R.B. liaison did not vote. The foregoing was due to revisions which haven't been made in the Town ordinances. If Council wishes to change these arrangements, please let the staff know.

Mr. Nyhous asked that the long standing policy of notifying the full Council when committee meetings are called be continued. The Manager noted that both he and the Clerk would be notifying the media of meetings in conjunction with other staff meetings concurrent with notification to the governing body.

Mr. Sutherland asked if a calendar could be provided to Councilmembers monthly indicating the meetings scheduled for the month. The Manager noted that committee meetings are often scheduled on an ad hoc basis but if they were scheduled on a regular basis (quarterly, etc.) it would be a possibility.

On a motion by Mr. Nyhous, seconded by Mr. Williams, the committee assignments as noted by the Manager were approved on a vote of 7-0 (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis).

PUBLIC HEARINGS.

Ordinance 2006-07, An ordinance amending Chapter 11 by adding Article IV, "Outdoor Storage in Residential Zones," Sec. 11-71 of the Code of the Town of Warrenton.

The Mayor opened the public hearing at 7:15 p.m. and called upon the Town Attorney. The Town Attorney stated that the ordinance prohibited leaving trash, building material and other materials uncovered and there are exceptions such as lawnmowers, grills, etc. and was a way to try to keep yards from becoming overly trash oriented and visible nuisances to the community in residential areas.

Mr. Albertella read the statement of purpose of the proposed ordinance, "The purpose of residential outdoor storage regulations is to ensure that adequate opportunity is allowed for the outdoor storage of vehicles and materials in residential zones (R-6, R-10, R-15 and RT Districts) while promoting safe and attractive residential areas and not impacting the character and uses intended for residential zones in Warrenton. The regulation of outdoor storage in residential areas is intended to insure a safe and healthy area free from hazards and the accumulation of materials that could harbor vermin or their breeding."

The Mayor called for citizens wishing to speak. There being no citizens wishing to speak, the public hearing was closed at 7:20 p.m.

Mr. Norden questioned whether a reference could be made to inoperable lawnmowers and Mr. Nyhous felt that they would be covered under item # 12 which reads: "All other miscellaneous personal property not excluded by subsection C of this section."

After discussion, it was decided that no change to reference lawn mowers was necessary.

On a motion by Mr. Albertella, seconded by Mr. Nyhous, Ordinance 2006-07, An ordinance amending Chapter 11 by adding Article IV, "Outdoor Storage in Residential Zones," Sec. 11-71 of the Code of the Town of Warrenton was adopted on a vote of 7-0 (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis; against: none).

Ordinance 2006-8, An Ordinance updating and amending Chapter 10, "Motor Vehicles and Traffic," Section 10-2 entitled "Adoption of State Laws" of the Code of the Town of Warrenton to Incorporate Changes in State Law Effective July 1, 2006 and subsequent changes.

The Mayor opened the public hearing at 7:22 p.m. and called upon the Town Attorney. Mr. Robinson noted that the ordinance made changes enacted July 1 in the State Code by the General Assembly effective in the Town Code.

The Mayor asked if there were citizens to speak and there being no citizens to speak, the public hearing was closed at 7:26 p.m.

On a motion by Mr. Lewis, seconded by Mr. Nyhous, Ordinance 2006-8, An Ordinance updating and amending Chapter 10, "Motor Vehicles and Traffic," Section 10-2 entitled "Adoption of State Laws" of the Code of the Town of Warrenton to Incorporate Changes in State Law Effective July 1, 2006 and subsequent changes, was adopted on a 7-0 Council vote (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis; against: none).

CONSENT AGENDA.

- a. Approval of Council minutes of the adjourned meeting of June 8, 2006 and regular meeting held on June 13, 2006. (To be provided)
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending June 30, 2006.
 - (2) May statement of accounts paid.
 - (3) Miscellaneous staff reports.

On a motion by Mr. Nyhous seconded by Mr. Sutherland, the Consent Agenda was adopted on a vote of 7-0 (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis; against: none).

NEW BUSINESS.

Consideration of reappointment of members to the Transportation Safety Commission for a three-year term.

The Manager noted that a listing of those members of the Transportation Safety Commission whose terms expired on June 30 had been distributed and Council could consider reappointing them to another three year term if they wished. Mr. Nyhous stated that Mr. Watkins was listed as Chairman and if he was going to be Chairman the change should be made. He suggested that Mr. Watkins be Vice Chairman.

Mr. Nyhous noted that there was some statutory authority for the Commission which he would review soon and reappointment was required with the change in listing of the Chairman and Vice Chairman.

On a motion by Mr. Nyhous, seconded by Mr. Norden, the following were reappointed to positions on the Transportation Safety Commission with terms ending June 30, 2009.

Birge Watkins, Vice Chairman
Steve Ross
Connie Novak
David Cubbage, VDOT
Philip Myer, Emergency Services
Edward B. Tucker, Jr.
Christopher Mothersead
Ms. Marilyn Doyle, Fauquier County Schools

Also members appointed by the Mayor include:

John V. Albertella
Terry L. Nyhous, Chairman
Dennie M. Sutherland

Currently serving a term expiring June 2008:

Larry Kovalik

Mr. Lewis pointed out that it may be beneficial to stagger the terms so all do not expire at the same time.

Consideration of Centex resolution.

The following resolution was presented for consideration:

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
WARRENTON, VIRGINIA AGREEING IN PRINCIPLE TO A VOLUNTARY
SETTLEMENT AGREEMENT (“AGREEMENT”) BETWEEN THE TOWN,
FAUQUIER COUNTY, AND OTHER PARTIES**

WHEREAS, the Town of Warrenton, Virginia, the County of Fauquier, Virginia, the Estate of Walter N. Arrington, and Centex Homes (collectively, the “Parties”) have entered into negotiations to seek a voluntary settlement of annexation and other associated issues; and

WHEREAS, the Parties now are prepared to enter into a voluntary settlement, which provides for the annexation of certain territory into the Town via “Agreement”; and

WHEREAS, Chapter 34 of Title 15.2 of the Code of Virginia (1950), as amended, requires that the Commission on Local Government (“Commission”) review such a voluntary settlement and that a “preliminary” appearance before the Commission occurred on July 10th, 2006; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Warrenton, Virginia, at a regular meeting of the Town Council held on July 11, 2006, as follows:

The Town Manager is hereby authorized to prepare for the formal submission of the "Agreement", together with all necessary data and materials, to the Commission and to take all other actions as may be required to accomplish the Commission's review of the Agreement, have the Circuit Court of Fauquier County ultimately affirm and validate the Agreement in order to give it full force and effect and to submit all the information necessary to obtain approval from the Justice Department.

Mr. Albertella noted that he wanted to be sure that the resolution would not commit the Town to annexation except under the circumstances as known regarding the water and sewer impact. In other words, if the utility mitigation efforts are unsuccessful there is no commitment to annex.

The Town Manager noted that the resolution would only be agreement in principle and there are several salient points that would be recapped and he expected to have that provided by the Town Attorney or by the County Attorney. Mr. McLawhon indicated that if there is agreement between all parties (the Town, the County, Centex and property owners represented) then the Commission on Local Government would be slated to consider the matter.

On a motion by Mr. Albertella, seconded by Mr. Lewis, the resolution was adopted on a 7-0 vote (for: Norden, Martella, Albertella, Williams, Sutherland, Nyhous, Lewis).

REPORTS AND COMMUNICATIONS.

Report from Town Attorney.

The Town Attorney stated that there is something in the animal leash law more controversial than the dog leash law than being cat leash laws. He further stated that the Town could adopt the outlying County's ordinance, however, the County's dog leash law is basically the same as the Town's. He indicated if the "leash" language is desired there was a provision within the statute that would require a referendum.

Mr. Norden stated that if the "under immediate control on a leash" could be added to the Town's and the Town Attorney responded that the leash language would have to be added via referendum.

Mr. Sutherland indicated he would like to see the matter pursued. Mr. Lewis was not opposed to carrying it forward but was not sure that a referendum would speak the will of the people.

Mr. Robinson asked if the matter should be pursued for the next Council meeting. Mr. Martella asked if the citizens with invisible fences would be included in the leash law, noting that he had received calls from concerned citizens wanting other dogs kept from their yards.

Mr. Nyhous stated that he would like more information and the Town Attorney could prepare a report for the next worksession with some input from Chief Novak.

Mr. Norden asked that the details of a referendum be prepared for the Council worksession. He stated that the subdivision the person lives in has to keep the animal on a leash because the Homeowners Association requires it.

Mr. Norden stated that if a dog has already bitten a citizen or another dog and it gets reported then authorities are able to do something. Mr. Robinson stated that if that only happens if the dog has been adjudicated a “vicious dog.”

The Town Attorney stated that he was requested to look into transfer of development rights which was new to the State of Virginia. He stated that he would be happy to pursue the item if Council desired. Mr. Nyhous stated that he would like to see a “breakout” session at the VML annual meeting on the subject. The Manager noted he would call Virginia Municipal League to suggest they add a session on the topic.

Report from Finance Committee.

There was no report.

Report from the Police Committee.

There was no report.

Report from the Public Information Committee.

Mr. Albertella had no further reports. The Manager noted that the Town would commence the update on the Town’s webpage and Council members should forward biographical information for inclusion.

Report from the Public Works Committee.

There was no report.

Report from the Utilities Committee.

Mr. Nyhous reported that Whitman Requardt had updated Council on the capacity study and Centex would be contacting the Town on July 17 with updated information and perhaps a proposal with capacity reclaimed. The Town Manager stated that Centex as compressing the timeline. He further stated that it is hoped an updated study from Whitman Requardt will be available to Council in ten days and there will be a tentative response to Mr. Dobson’s e-mail.

The Mayor asked if Centex would be supplying enough information for the Council to make a decision regarding the annexation agreement condition thirty days from July 17 (August 17). Mr. Tucker indicated he did not see anything on the 17th that the Town could vote up or down. Mayor Fitch hoped it would be available by the September Council meeting. The Manager noted that there may be a phasing component for the development.

There was discussion on a request from Mr. Dobson concerning provision of utilities.

Report from Planning District 9 Representative.

Mr. Albertella noted that PD 9 had met with a revitalized interest in transportation planning. He stated a guest speaker, Mr. Stephen Gerrick, head of the Shenandoah Planning District spoke concerning what his area had done concerning regional transportation planning. According to Mr. Gerrick, they have been meeting for fifteen years with little or virtually nothing to show for it in terms of construction. The Manager noted that there would be representatives from Virginia Department of Transportation and Planning District 9 at the August worksession to discuss transportation issues. Mr. Nyhous asked that the Transportation Safety representatives and Economic Development Advisory Commission members be invited to the worksession.

Report from Transportation Safety Commission.

There was no report.

Report from Economic Development Advisory Committee representative.

There was no report.

Report from Recreation Committee.

Mr. Sutherland, Chairman, noted that the report would be given at the next worksession, as has been past practice.

Report from Liaison Committee representative.

There was no report.

Report from the Parking Committee.

Mr. Lewis noted that an August committee meeting is anticipated and he would have available a rendering of a Fifth Street parking garage with retail, office and residential components.

Report from the Town Manager.

The Manager indicated that the Warrenton Visitor Center would open in late August or early September and there would be a ceremony planned for the first part of September. He noted that Warrenton Heritage Days would occur in September and there may be a request from the Warrenton Heritage group concerning donation of advertising assistance. He further noted that the group would be meeting with the Fauquier County Economic Development office and Supervisor Ray Graham to see if they would help with advertising.

COUNCILMEMBERS' TIME.

Mr. Lewis noted that Ms. Becky Crouch, Warrenton Visitor Center, had submitted an annual report and that it was very readable. He stated that it showed that there was a 41% increase in hits to the State tourism sites on the Internet.

Mr. Norden pointed out that there were signage problems around Town and that it was difficult to find the Visitor Center. The Manager suggested that the Visitor Center and Museum signage be combined so it would not have to be done twice. Mr. Norden stated that the museum was a year and a half behind the Visitor Center in completion.

Mr. Nyhous stated that he would like to get together with Mr. Norden and Mr. Tucker to discuss signage. He indicated that he and the Manager had talked about signage around Town.

Mr. Norden stated that there was a citizen who read an article about the new director at the Mosby Foundation donated \$25,000 to the Mosby Foundation.

Mayor Fitch asked if the Mosby Foundation Board had discussed the Town's offer for a "matching" grant arrangement and Mr. Norden responded that they had discussed it favorably.

Mr. Williams pointed out that there were trees covering signage.

Mr. Albertella noted that the Charity Lodge would be replacing their shingle roof with a copper one and a State budget amendment had been received a \$5,000 matching grant. He indicated that it was likely that someone may request funds from the Town. He stated that the cost of a copper roof was \$20,000.

The Mayor asked that Council consider directing the staff to continue to take a look at how the Town might provide workforce housing on some of the Town owned properties.

Mr. McLawhon stated that the staff was optimistic that TDR might lead to some opportunities for affordable housing. He indicated that the Town staff was working with the County to identify parcels that they own in Town.

There being no further business, the meeting adjourned at 9:30 p.m.

Evelyn J. Weimer, Town Recorder